

1 TOWN OF FAIRMOUNT HEIGHTS, MARYLAND

2 2000-2001 Legislative Session

3 Ordinance No. O-04-00
 4 Introduced By: Town Council
 5 Co-Sponsors: _____
 6 Session: Regular
 7 Date of Introduction: September 25, 2000

8
9 ORDINANCE

10
11 Of the Town Council of the Town of Fairmount Heights, Maryland Amending Chapter V,
12 “Vehicles and Traffic” of the Code of the Town of Fairmount Heights To Establish Parking
13 Violations as a Municipal Infraction, Add Number (17) To Section 5-208. Parking Prohibited in
14 Certain Locations, and Repeal and Enact Language to Section 5-209. Citations and Penalties.

15
16 WHEREAS, pursuant to Article 23A of the Annotated Code of Maryland, the Town of
17 Fairmount Heights has the authority to establish parking regulations, and to pass such ordinances
18 as it deems necessary to protect and preserve the municipality’s rights, property and privileges, to
19 secure persons and property from danger and destruction to protect the health, comfort and
20 convenience of the citizens of the Town; and

21
22 WHEREAS, pursuant to this authority the Town enacted Chapter V, “Vehicles and
23 Traffic” of the Code of Ordinances of the Town of Fairmount Heights; and

24
25 WHEREAS, upon review of Chapter V, “Vehicles and Traffic” of the Code of
26 Ordinances of the Town of Fairmount Heights, the Town Council has determined that it would be
27 in the Town’s best interest to add a penalty provision for violation of the restriction against
28 parking on lawn or grass plots in residential areas contained therein.

29
30 NOW THEREFORE, BE IT ORDAINED AND ENACTED, by the Town Council of
31 the Town of Fairmount Heights, Maryland that the indicated sections of Chapter V, “Vehicles and
32 Traffic” of the Code of Ordinances be and is hereby amended to read as follows:

33
34 Chapter V
35 Vehicles and Traffic
36 Article 2.
37 Stopping, Standing and Parking

38
39 §5-208. Parking Prohibited in Certain Locations

40
41 (17) WHETHER ATTENDED OR UNATTENDED, UPON THE UNPAVED AREA OF
42 ANY RESIDENTIAL LOT, EXCEPT DURING A SNOW EMERGENCY. “UNPAVED
43 AREA” SHALL MEAN ANY SURFACE NOT COMPLETELY COVERED BY
44 ASPHALT, BRICK, BLOCK, CONCRETE, GRAVEL, CRUSHED STONE OR
45 STRUCTURALLY SOUND POROUS MATERIAL. IT SHALL NOT BE NECESSARY

46 TO PROVIDE A FULL PLATFORM IN THE SURFACE MATERIAL UNDER THE
47 PARKED MOTOR VEHICLE SO LONG AS THE WHEELS OF THE VEHICLE REST
48 ON RUNNERS OR OTHER SURFACE MADE OF SAID MATERIAL. TOWN POLICE
49 OFFICERS SHALL BE AUTHORIZED TO ENFORCE THIS SECTION OF THE TOWN
50 CODE. IN THE PERFORMANCE OF THEIR DUTIES UNDER THIS SECTION,
51 POLICE OFFICERS ARE HEREBY AUTHORIZED TO ENTER ON PRIVATE
52 PREMISES IN THE TOWN OF FAIRMOUNT HEIGHTS IN ORDER TO PLACE A
53 PARKING CITATION ON A VEHICLE PARKED IN VIOLATION HEREOF IF THE
54 VEHICLE IS CLEARLY VISIBLE FROM THE STREET.

55
56 §5-209. Citations and Penalties

57
58 (A) With reference to the violation of parking regulations enunciated in this Article, a
59 police officer shall be duly authorized to issue to the owner or operator of a vehicle or by
60 attaching to the vehicle in question a notice of violation or failure to comply with the provisions of
61 this Article. The fine for parking violations shall be [ten dollars (\$10.00)] **Fifty Dollars (\$50.00)**
62 if paid not later than five (5) days following the issuance of said notice and [twenty dollars
63 [(20.00)] **One Hundred Dollars (\$100.00)** if paid after five (5) days, but not later than fifteen
64 (15) days thereafter. After fifteen (15) days a maximum fine of [thirty dollars (\$30.00)] **Two**
65 **Hundred Dollars (\$200.00)** will be charged.

66
67 (B) ANY VIOLATION OF THIS SECTION SHALL BE CITED AS A
68 MUNICIPAL INFRACTION, SUBJECT TO THE FINES AS INDICATED IN
69 SUBSECTION (A) ABOVE, PAYABLE TO THE MUNICIPALITY BY THE PERSON
70 CHARGED IN THE CITATION. [If the owner receiving the notice fails to make payment
71 upon such conditions, a police officer shall be authorized to take said notice to a duly appointed
72 Trial Magistrate of Prince George's County for the purpose of having a warrant for the arrest of
73 such owner issued and for the setting of the amount of collateral to be posted. Failure by such
74 owner, aforesaid, to pay the amount of collateral posted shall be a misdemeanor and upon
75 conviction before the proper officials said owner shall be subject to a fine not to exceed five
76 hundred dollars (\$500.00) or imprisonment for a period not to exceed thirty (30) days.]

77
78 §5-213. Inoperative, Un-licensed Vehicles

79
80 DEFINITION. AN "INOPERATIVE VEHICLE" IS A MOTOR VEHICLE WHICH IS
81 MISSING OR IS NOT FUNCTIONAL IN ANY ONE (1) OR MORE OF THE
82 FOLLOWING MAJOR MECHANICAL COMPONENTS: ENGINE, TIRES, STEERING
83 WHEELS, TRANSMISSION DRIVE TRAIN OR WINDOWS; OR IS OTHERWISE
84 INOPERABLE. "UN-LICENSED VEHICLE" IS A VEHICLE WHICH DOES NOT
85 DISPLAY CURRENT LICENSE TAGS.

86
87 (A) THE PARKING OR STORING OF ANY INOPERATIVE VEHICLE
88 WHICH IS DISMANTLED, DAMAGED, WRECKED OR UNSIGHTLY, OF EVERY
89 KIND OR DESCRIPTION, UPON RESIDENTIALLY ZONED PROPERTY OR ANY
90 OTHER PROPERTY NOT ZONED FOR SUCH STORAGE WITHIN THE

91 CORPORATE LIMITS OF THE TOWN OF FAIRMOUNT HEIGHTS FOR A PERIOD
92 OF TIME LONGER THAN SEVENTY-TWO (72) HOURS AFTER SAID
93 INOPERATIVE VEHICLE BECOMES DISMANTLED, DAMAGED, WRECKED OR
94 UNSIGHTLY, UNLESS SAID VEHICLE IS STORED IN AN AUTO COVER OR
95 ENCLOSED GARAGE IS HEREBY PROHIBITED.
96

97 (D) It shall be the responsibility of the owner of any property upon which an
98 [inoperable] INOPERATIVE, un-licensed, or abandoned vehicle is not parked or stored within
99 an enclosed structure to properly dispose of or remove the same from said property.
100

101 (E) ANY SWORN POLICE OFFICER OF THE TOWN OF FAIRMOUNT
102 HEIGHTS MAY IMPOUND INOPERATIVE VEHICLES, SEVENTY-TWO (72) HOURS
103 AFTER A NOTICE HAS BEEN ATTACHED TO THE INOPERATIVE VEHICLE. THE
104 NOTICE SHALL STATE, IN PERTINENT PART, "THE ATTACHED VEHICLE IS
105 PRESUMED INOPERATIVE. IF NOT REMOVED OR BROUGHT INTO
106 COMPLIANCE WITH ARTICLE V, §5-213 OF THE TOWN CODE WITHIN
107 SEVENTY-TWO (72) HOURS FROM THE DATE OF THIS NOTICE, THIS VEHICLE
108 SHALL BE IMPOUNDED AND MAY BE SENT TO A SCRAP PROCESSOR. THE
109 VEHICLE OWNER SHALL BE SUBJECT TO A FINE OF ONE HUNDRED DOLLARS
110 (\$100.00) AND HELD LIABLE FOR ALL TOWING, STORAGE, PRESERVATION AND
111 ALL OTHER CHARGES RELATING TO THE DISPOSITION OF THE VEHICLE."
112

113 (F) THE CHIEF OF POLICE FOR THE TOWN OR HIS/HER DESIGNEE
114 SHALL HAVE THE AUTHORITY TO EXTEND THE SEVENTY-TWO (72) HOUR
115 PERIOD BEFORE IMPOUNDMENT FOR A TIME NOT TO EXCEED THIRTY (30)
116 DAYS, UPON RECEIPT OF A WRITTEN STATEMENT SETTING FORTH THE
117 REASONS FOR REQUESTING SUCH EXTENSIONS.
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119 (G) VIOLATION OF THIS SECTION SHALL BE PUNISHABLE AS A
120 MUNICIPAL INFRACTION AS PROVIDED IN ARTICLE V, §5-209 (B) OF THE
121 TOWN CODE. EACH DAY THE INOPERATIVE VEHICLE IS NOT PROPERLY
122 STORED, ENCLOSED OR REMOVED IN ACCORDANCE WITH THIS SECTION
123 SHALL CONSTITUTE A SEPARATE OFFENSE. NO ADDITIONAL NOTICE IS
124 REQUIRED.
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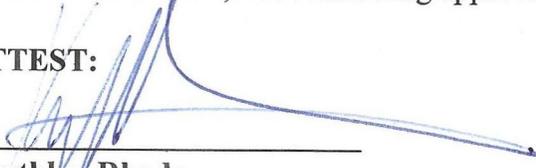
126 [Section 5-214. Additional Regulations Applicable]
127

128 [Except as herein otherwise provided, the Vehicles Laws of the State of Maryland as
129 delineated in the Transportation Article of the Annotated Code of Maryland, shall control and
130 govern, and any person violating any of the provisions thereof shall, upon conviction before the
131 proper officials be subject to the penalties as therein provided.]
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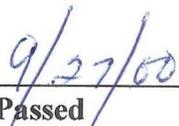
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BE IT FURTHER ORDAINED AND ENACTED that this Ordinance shall become effective October 27, 2000 following approval by the Mayor and Town Council.

ATTEST:

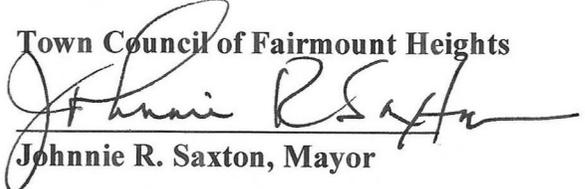


Kyrthlyn Rhoda
Recording Secretary



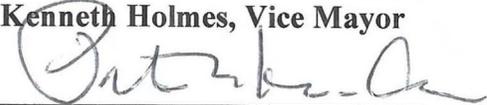
Date Passed

Town Council of Fairmount Heights



Johnnie R. Saxton, Mayor

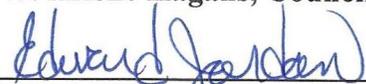
Kenneth Holmes, Vice Mayor



Patricia King-Adams, Council Member



W. Arlene Hagans, Council Member



Edward Jordan, Council Member

Lillie T. Martin, Council Member



Richard Saxon, Council Member